

Honorable Marsha J. Pechman

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON, AT SEATTLE**

EMPLOYEE PAINTERS' TRUST; WESTERN
WASHINGTON PAINTERS DEFINED
CONTRIBUTION PENSION TRUST;
DISTRICT COUNCIL NO. 5
APPRENTICESHIP AND TRAINING TRUST
FUND; WESTERN WASHINGTON
PAINTERS LABOR MANAGEMENT
COOPERATION TRUST; INTERNATIONAL
PAINTERS AND ALLIED TRADES
INDUSTRY PENSION FUND, acting by and
through their designated fiduciaries Stacey
Grund and Mike Ball; and INTERNATIONAL
UNION OF PAINTERS AND ALLIED
TRADES DISTRICT COUNCIL NO. 5,

Plaintiffs,

vs.

K & M WALLCOVERING, LLC, a Washington
limited liability company; MAUREEN ELLEN
GOODWIN, an individual; TAIRN KELLY
GOODWIN, an individual,

Defendants.

Case No.: 2:14-cv-0525-MJP

**ORDER OF CONTEMPT OF DEFENDANTS
MAUREEN ELLEN GOODWIN AND
TAIRN KELLY GOODWIN**

Now before this Court is the Order to Show Cause issued on October 1, 2014. The Court issued
the Order to Show Cause based on the Motion for Order to Show Cause filed by the Plaintiffs. After

Order Of Contempt
(Case No. 2:14-cv-0525-MJP)

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1 fully considering the information on file, the Court issues the following order holding Defendants,
 2 Maureen Ellen Goodwin and Tairn Kelly Goodwin ("the Goodwins"), in contempt of this Court's lawful
 3 orders:

4 FACTS

5 The Goodwins were served with the Complaint and Summons in this Action on May 25, 2014.
 6 Affidavits of Services (Dkt. # 5, 6). The Goodwins' responsive pleading was due no later than June 16,
 7 2014. The Goodwins did not respond to the Complaint and the Plaintiffs applied for entry of the
 8 Goodwins' default. Application for Entry of Default (Dkt. # 7). The Defendants' Default was entered by
 9 the Clerk of Court. *See* Dkt. # 8. On August 29, 2014, the Plaintiffs filed their Motion for Default
 10 Judgment against the Goodwins. Motion for Default Judgment (Dkt. #13). On September 3, 2014, this
 11 Court granted the Plaintiffs' Motion for Default Judgment. Order for Default Judgment Against All
 12 Defendants (Dkt. #14).

13 This Court's Order on Default Judgment gave the Defendants ten (10) days from the date of the
 14 Order to comply with the Plaintiffs' requested audit and provide necessary records. *Id.* The Plaintiffs
 15 served this Order on the Defendants through a process server on September 4, 2014. Declaration of
 16 Service For Default Against All Defendants (Dkt. #15). Per the Court's Order, this would have given the
 17 Defendants up to and including September 14, 2014 to submit the required records. The Defendants did
 18 not submit the required records and did not contact the Plaintiffs, which caused Plaintiffs to file a
 19 Motion for Order to Show Cause on September 23, 2014. Motion for Order to Show Cause (Dkt. #16).
 20 On October 1, 2014, this Court issued its Order Granting Motion for Order to Show Cause. (Dkt. #17.)

21 The Court's Order to Show Cause required the Goodwins to appear on October 17, 2014 at 1:30
 22 p.m. to show cause why the Court should not impose sanctions upon them for their failure to comply
 23 with the Court's Orders. *Id.* The Court's Order also required them to file a responsive brief by October
 24

1 13, 2014. *Id.* The Plaintiffs served this Order on the Goodwins on October 4, 2014. Declarations of
 2 Service (Dkt. 18).

3 On October 17, 2014 at 1:30 p.m., this Court held hearing on the Plaintiffs' Motion for Order to
 4 Show Cause. The Goodwins did not appear for the hearing, and despite being ordered to file a
 5 responsive brief to Plaintiff's Motion, did not file a brief or otherwise appear or respond. *See Minute*
 6 *Order* (Dkt. #19). At the hearing, Plaintiff's counsel moved this Court to enter an arrest warrant for the
 7 individual defendants in this case. *Id.*

8 The Defendants have thus deliberately disobeyed two lawful orders of this Court—the first being
 9 the Order on Default Judgment and the Second being the Order to Show Cause. To date, the Defendants
 10 have not appeared to explain their failure to comply with this Court's orders.

11 ANALYSIS

12 This Court has the inherent power to sanction parties that appear before it, and Article III judges
 13 have the inherent power to hold in contempt those who disobey a Judge's order. *See In re Sequoia Auto*
 14 *Brokers Ltd., Inc.*, 827 F. 2d 1281, 1284 (9th Cir. 1987). A Court's ability to issue contempt is inherent
 15 within the administration of justice. *Michaelson v. U.S. ex rel Chicago, St. P., M. & OR Co.*, 266 U.S.
 16 42, 65-66 (1924). If courts were without the ability to enforce their orders through contempt, they would
 17 be completely dependent upon other branches of government for enforcement of orders. *In re Sequoia*
 18 *Auto Brokers*, 827 F.2d at 1284. A district court is permitted to issue an arrest warrant for a person it
 19 holds in contempt based on disobedience of court orders. *Perry v. O'Donnell*, 759 F. 2d 702, 706 (9th
 20 Cir. 1985).

21 In this case, the Goodwins have continued to refuse to comply with the lawful orders of this
 22 Court. They were served with two orders of this Court—the Order on Default Judgment and the Order to
 23 Show Cause—and failed to comply with both of these Orders. The Goodwins failed to produce requires
 24 records to allow the Plaintiffs to complete an audit, failed to appear for the Order to Show Cause
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1 hearing, and failed to file a responsive brief to the Court' Order to Show Cause. Based on the Proofs of
2 Service on file with this Court, the Goodwins were served with the two Orders.

3
4 There is no doubt the Goodwins know of the pendency of this case and of this Court's Orders
5 directing them to take certain actions. The Goodwins disobeyed this Court's Orders and the Court is
6 permitted to hold them in contempt for their actions. Just as important is the fact this Court's Order to
7 Show Cause made clear there would be sanctions issued against the Defendants for their failure to
8 appear for the hearing or submit a responsive brief. In fact, this notice to the Defendants was written in
9 bold and capital letters within the Order to Show Cause.

10 Based on the Court's authority to arrest individuals who deliberately disobey the Court's orders,
11 I am ordering an arrest warrant for Maureen Ellen Goodwin and Tairn Kelly Goodwin. However, this
12 Court's order directing the arrest warrant is that Maureen Ellen Goodwin and Tairn Kelly Goodwin be
13 brought immediately to the Court or to the Magistrate Judge for first appearances and not booked into
14 the jail.
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1 **THEREFORE, WITH GOOD CAUSE APPEARING:**

2 **IT IS ORDERED THAT** Maureen Ellen Goodwin and Tairn Kelly Goodwin are held in
3 contempt for their willful and deliberate disobedience of this Court's Order of Default Judgment and
4 Order to Show Cause.

5 **IT IS FURTHER ORDERED THAT** an arrest warrant issue for Maureen Ellen Goodwin and
6 Tairn Kelly Goodwin. This arrest warrant to provide that Maureen Ellen Goodwin and Tairn Kelly
7 Goodwin be brought immediately before the Court or to the Magistrate Judge for first appearances and
8 not to first be booked into the jail.

9 **IT IS SO ORDERED.**

10 Dated this 20th of November, 2014.

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13 Marsha J. Pechman
14 United States District Judge

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16 Submitted by:

17 **THE URBAN LAW FIRM**

18
19 s/ Nathan R. Ring

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